

## Fact Sheet

# Pesticides Act and Ontario Regulation 63/09 Homeowners and Gardeners

April 2011

Ontario's cosmetic pesticides ban took effect April 22, 2009. Ban requirements are detailed in Ontario Regulation 63/09 (O. Reg. 63/09) under the Pesticides Act.

More than 90 pesticide ingredients are banned for cosmetic uses. Consumers can purchase pesticides only for public health or safety reasons such as fighting West Nile Virus, killing stinging insects like wasps, or to control poison ivy and other plants poisonous to humans by touch.

### Classification of pesticides

A pesticide product must be registered by Health Canada's Pest Management Regulatory Agency (PMRA) and classified by the Ministry of the Environment (MOE) to be sold and used in Ontario. Products must be used according to label directions and for purposes allowed under the ban.

Using homemade pesticides is illegal. Homemade pesticides have not been evaluated and registered by the PMRA and, therefore, may pose a risk to you, your garden and the environment. A PMRA brochure provides information on the risks associated with using [homemade pesticides](#).

Ontario has a pesticide classification system consisting of [eleven classes](#):

- Class 1 is products intended for manufacturing purposes.
- Class 2, 3 and 4 are restricted or commercial products.
- Class 5 and 6 are domestic products intended for household use.
- Class 7 is controlled sale products (domestic or restricted).
- Class 8 is domestic products that are banned for sale and use.
- Class 9 pesticides are ingredients in products for use only under exceptions to the ban.
- Class 10 pesticides are ingredients in products for the poisonous plant exception.
- Class 11 pesticides are ingredients in products for cosmetic uses under the ban.

### **Allowed pesticide uses**

Homeowners can use Class 5, 6 or 7 domestic products to protect health or safety by controlling control pests such as:

- wasps or mosquitoes
- plants that are poisonous to humans by touch, such as poison ivy and giant hogweed
- fleas or ticks that bite pets
- indoor pests or pests that can cause structural damage to the home
- rodents that may spread diseases

Under the ban, homeowners can use Class 5 or 6 products containing Class 11 pesticides (biopesticides and certain lower risk pesticides) to manage pests in lawns and gardens. Refer to the [Managing Pests in Lawns and Gardens](#) fact sheet for additional information.

Homeowners may hire a licensed exterminator authorized to use commercial products containing Class 11 pesticides to maintain lawns and gardens, and health of trees. Licensed exterminators are required to post a notice sign to notify neighbours that Class 11 pesticides have been used.

Under the arboriculture exception to the ban, a homeowner may hire a licensed exterminator to use a Class 9 pesticide to protect a tree. Typically, the licensed exterminator must have a written opinion from a professional tree care specialist that the Class 9 pesticide is necessary to maintain the health of the tree. Licensed exterminators must provide advance written notice to the occupants of all residential properties abutting the area where the tree is located.

The licensed exterminator must post warning signs indicating a Class 9 pesticide has been used.

**Note:** Pests damaging the fruit of a tree would not impact the health of the tree.

### **Controlled sale (Class 7) products**

Beginning April 22, 2011, Class 7 products will not be readily accessible on store shelves and consumers must ask for assistance if purchasing these products. Licensed vendors must continue to give consumers a handout advising that certain uses are prohibited under the ban.

Domestic products in Class 7 have both cosmetic and non-cosmetic uses. Under the ban, the cosmetic uses of these products are not allowed. For example:

- Class 7 products cannot be used on driveways, patios, lawns or gardens to control weeds or other vegetation as these are cosmetic uses, but can be used to control plants poisonous to humans by touch (e.g., poison ivy, giant hogweed).

- Class 7 products cannot be used to control lawn or garden pests as these are cosmetic uses but can be used to control biting or stinging pests as directed on the label. Class 7 products can be used inside the home or immediately around the outside perimeter to control indoor pests as directed on the label.

### **Proper Disposal**

[Class 8](#) products are banned for use and should be taken to a local municipal hazardous or special waste collection site for proper disposal. To find the closest waste collection location, contact your municipality or go to [Stewardship Ontario](#) for a list of waste collection sites and check if they handle pesticide waste. Empty containers of Class 5, 6 or 7 products can be wrapped in newspaper and disposed of with other household garbage.

### **Compliance and Enforcement**

To report non-compliance of pesticide use, contact your [MOE District Office](#) during regular business hours. After business hours, call the MOE's Pollution Hotline at 1-866-MOE-TIPS (1-866-663-8477).

### **For more information:**

For useful tips on growing vegetables, fruit, ornamental plants and lawns without pesticides, see the [Gardener's Handbook](#) produced by the Ministry of Agriculture, Food and Rural Affairs.

Direct questions about the cosmetic pesticides ban to MOE's Public Information Centre at 1-800-565-4923 or 416-325-4000 (press 0 to talk to an information officer).

This fact sheet is for information only and is not legal advice. Interested parties are advised to refer to the Pesticides Act and O. Reg. 63/09 to address specific circumstances.

PIBS 7665